IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

Bail Appl..No. 844 of 2007()

CRIME NO. 406 OF 2006 OF KATTAPPANA POLICE STATION

PETITIONER/ACCUSED:

RAJESH, AGED 25 YEARS,
S/O. RAVEENDRAN, CHATHIYANKAL,CHEMBAKAPPARA P.O.,
KOCHUKAMAKSHI, KALKONTHAL VILLAGE,
UDUMBANCHOLA TALUK.

BY ADV. SRI.S.K.MURALEEDHARA KAIMAL

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI,P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 844 of 2007

DATED: 13 February , 2007

O R D E R

Petitioner who is the accused in Crime No. 406 of 2006 of Kattappana Police Station for offences punishable under Sections 450 and 376 I.P.C., seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that on 18-4-2006 the petitioner committed rape on Manaswini, aged 25 years, a distant relative of the petitioner and thereafter yielding to the pressure he agreed to marry the victim and while the marriage was scheduled to be held on 6-12-2006, the petitioner made himself scarce and the girl who was impregnated subsequently delivered a child. The complaint was filed on 7-12-2006 consequent on the disappearance of the petitioner without making himself available for the marriage fixed on 6-12-2006.

2. It is too early to accept the petitioner's contention that he has been falsely implicated in this case. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer and then to have his application for regular bail ordered by the Magistrate concerned. Accordingly, the petitioner shall surrender before the Investigating Officer on any day between 19-02-2007 and 21-02-2007 for the purpose of

custodial interrogation during which period he can be subjected to potency test as well. The petitioner shall thereafter be produced before the Magistrate having jurisdiction, on the same day. The Magistrate shall consider and dispose of the application, if any, filed by the petitioner for regular bail preferably on the same day on which it is filed.

This petition is disposed of as above.

V.RAMKUMAR, JUDGE

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